

DEPARTMENT OF SOCIAL SERVICES

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April 8, 1983

ALL-COUNTY LETTER NO. 83-33

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC -- Emergency Assistance - Unemployed Parent and State-only
AFDC-U Programs

REFERENCE: Eligibility and Assistance Standards Section 41-500 and
41-440.12

This letter is to clarify Aid to Families with Dependent Children (AFDC) Program policy in regard to the application of existing program regulations to the Emergency Assistance/Unemployed Parent (EA/UP) Program and the State-only AFDC-U Program as amended by Chapter 327, Statutes of 1982 (SB 1326).

Since the July 1, 1982 implementation of the EA/UP Program and the time limit placed on the State-only AFDC-U Program, numerous questions regarding these programs have been directed to this Department. Some threshold issues and questions were answered in All-County Information Notice (ACIN) 108-82. Additional implementation and claiming instructions have been provided in All-County Letters 82-67, 82-95, 82-97, and 82-132. This letter will provide answers to the remaining issues and questions that have been brought to the attention of the Department. The policy transmitted in this letter replaces any policy previously provided to the counties on these issues.

Question #1

Must the "Application for Public Assistance" (CA 1) be annotated to reflect that the applicant is applying for EA/UP? Must the authorization document reflect that the type of aid to be paid is EA/UP?

Answer

It is not necessary for the CA 1 to reflect that the applicant is applying for EA/UP. However, it is necessary for the authorization documents and the Notice of Action (NA 201) to indicate that the family is being aided under EA/UP.

Question #2

How do counties determine that an applicant has not received any EA payments in the previous twelve months before the application?

Answer

The applicant should state in part 2A of the Statement of Facts Supporting Eligibility for Assistance (CA 2) whether or not any member of the family has received any form of Emergency Assistance benefits (EA-ANEC or EA/UP). The county may use the information provided in this section to track EA eligibility. Regardless of the method used, counties are responsible to establish an audit trail sufficient to monitor EA eligibility to ensure that a family receives no more than thirty consecutive days of EA within any twelve consecutive months.

Question #3

Can a medically needy family transfer to EA/UP through an intraprogram status change?

Answer

Yes. EAS Section 44-317.6 applies.

Question #4

Can a State-only AFDC-U family transfer to EA/UP through an intraprogram status change?

Answer

For families that received EA/UP on or after July 1, 1982, the EA/UP eligibility period is the first thirty days of assistance before the family is aided under the provisions of the State-only AFDC-U program. Therefore, the family has used the thirty-day eligibility period and is no longer eligible to EA/UP assistance in that twelve-month period. Families that received State-only AFDC-U benefits on June 30, 1982, are not eligible to EA/UP benefits unless they have a break-in-aid during the three-month State-only AFDC-U eligibility period. The exceptions to the above rules are a pregnant woman, one-person FBU and when families receive State-only AFDC-U in the last month of their 12-month cycle. For example:

- 1) A pregnant woman in a one-person FBU is ineligible to receive EA/UP. If the child is born during the pregnant woman's three months State-only AFDC-U eligibility period the FBU is transferred to EA/UP without a

break-in-aid on the date of birth of the newborn. The family (father, mother and newborn) is eligible to thirty days of EA/UP. The mother is then eligible to the remainder of her three-month State-only AFDC-U eligibility and the father and newborn are eligible to three months of State-only AFDC-U (EAS Section 40-131.3p.).

- 2) For a family that receives thirty days of EA/UP and one month of State-only AFDC-U and is discontinued with a eight-month period of ineligibility resulting from the receipt of lump-sum income, the family is eligible for the two remaining months State-only AFDC-U during the last two months of their twelve-month cycle. At the end of their two months of State-only AFDC-U, the case is transferred to EA/UP by an intraprogram status change (EAS Section 44-207.4 and 44-317.63) and the new twelve-month cycle commences with the beginning date of EA/UP.

Question #5

When a family has a break-in-aid, are EA/UP benefits to be paid upon restoration of aid?

Answer

Yes, provided a family has not received any EA/UP in 12 consecutive months and has not received all of the three months of State-only AFDC-U in the twelve-month period. For example:

- 1) A family that received State-only AFDC-U in June 1982 failed to provide a CA 7 in July for the month of June. Aid was discontinued effective July 31. The family reapplied for assistance on August 7. In this situation, the family may be approved for thirty days of EA/UP beginning on August 7 and two months of State-only AFDC-U beginning on September 6 (EAS Section 41-440.125(b)).
- 2) A family that received federal AFDC-U had a break-in-aid and requests restoration. The principal earner has just lost his/her job and has been unemployed for less than thirty consecutive calendar days (EAS Section 41-440.46). This family is eligible to thirty days of EA/UP.

Question #6

Is a family eligible to receive EA/UP benefits following a period of eligibility to AFDC-FG or AFDC-FC without a break-in-aid?

Answer

Eligibility to EA/UP follows a period of eligibility of a family to AFDC-FG or AFDC-FC only when the basis of deprivation of the child(ren) in the home changes to unemployment of a parent who is not federally eligible and the family has not used all of the three months of State-only AFDC-U in that twelve-month period. This occurs when:

- 1) The principal earner who does not have a connection with the labor force (EAS Section 41-440.4) returns to the home of an AFDC-FG family;
- 2) An incapacitated U-parent becomes physically able to support or care for the child(ren) (EAS Section 41-430) and the principal earner does not have a connection with the labor force; or
- 3) A child who has been receiving AFDC-FC returns to the home of the unaided family in which the principal earner does not have a connection with the labor force (EAS Section 44-317.62).

Question #7

Under what program is a nonfederal unemployed parent to be aided when that person returns to the home of an AFDC-FG family and the basis of deprivation changes?

Answer

When the nonfederal unemployed parent returns to the home during a month in which a family is aided under AFDC-FG (deprivation absence), the unemployed parent is aided as a nonfederal adult through the end of that month when aid for him/her is effective on the date aid is requested for this individual (Fiscal Management and Control Handbook Section 25-502.262). AFDC-FG assistance to the remainder of the family continues through the end of that month. The entire family will transfer to EA/UP effective the beginning of the month following the parent's return to the home. After the family's thirty days of EA/UP have expired, the family will be aided under State-only AFDC-U for three months, provided they remain eligible.

When aid for the returning parent is effective the first of the month following the date the parent returns to the home, the family is eligible to EA/UP on the first of that month (EAS Section 44-317.12).

Question #8

Is a child who returns to the home after the family has exhausted eligibility to EA/UP and State-only AFDC-U eligible to EA-UP?

Answer

Yes. A previously unaided child is eligible to receive EA/UP for thirty days and State only AFDC-U for three months as a one-person FBU. The income of the parents of the child would be subject to the excluded parent computation (EAS Section 44-133.3).

Question #9

How are the twelve-month cycles tracked when family members receive EA/UP for different thirty-day periods?

Answer

The family's twelve-month cycle starts on the EA/UP beginning date of aid for the family. Any new members are aided for the appropriate months during the cycle. When the family's new twelve-month cycle begins the entire family is aided at the same time. For example:

- 1) When a family receives thirty days of EA/UP and a child returns to the home six months later and receives EA/UP, the family's beginning date of aid starts the twelve-month cycle. The family and the child who returned to the home are again eligible to receive Emergency Assistance twelve months from the family's beginning date of aid (EAS Section 41-500.62).
- 2) Similarly, a pregnant woman receives three months of State-only AFDC-U during her pregnancy. The father and newborn receive 30 days of EA/UP and three months of State-only AFDC-U one month after the mother's aid has terminated. The beginning date of EA/UP for the father and newborn begins the family's cycle. The entire family (mother, father and child) are eligible to EA/UP 12 months from the beginning date of EA/UP for the father and newborn.
- 3) A child receives Emergency Assistance-Abused, Neglected and Exploited Children Program (EA-ANEC) and three months later the other members of the family receive thirty days of the EA/UP. The beginning date of the family's EA/UP starts the twelve-month cycle. The family including the child become eligible again for EA/UP twelve months from the beginning date of the family's EA/UP.

Question #10

Is a child who receives ten days of EA-ANEC eligible to twenty days of EA/UP at a later time?

Answer

The child is eligible to receive EA/UP benefits only in the twenty-day period immediately following the ten days of EA-ANEC. A child or a family is eligible to a maximum of thirty consecutive days of Emergency Assistance in any twelve consecutive month period.

Question #11

How is a case treated when a family exceeds the 150 percent income limit or receives lump-sum income during a month in which they received EA/UP?

Answer

When a family receives income in excess of the 150 percent income limit during a month in which they receive EA/UP (the first or second month of aid) the family was ineligible for the EA/UP payment received in that month and an overpayment exists (EAS Section 44-207.22). When a family receives lump-sum income during the EA/UP month which results in a period of ineligibility, the family is ineligible for the EA/UP payment and an overpayment exists (EAS Section 44-207.4). Discontinuance or periods of ineligibility that result from the income in excess of the 150 percent income limit or receipt of lump-sum income postpones the family's eligibility period for EA/UP. Since EA/UP was received in an ineligible period a recoverable overpayment exists and it is considered that the family had not received aid in that month. The family is eligible to receive EA/UP once the lump-sum period of ineligibility or the ineligible month for excess income has expired.

Question #12

How is income treated when a family is eligible to receive EA/UP for part of the month and AFDC for the remainder of the month?

Answer

Income received during a calendar month or approved alternate budget period when a family receives both EA/UP and AFDC is treated in accordance with EAS Chapter 44-100 and budgeted in accordance with EAS Section 44-315. For example:

A family of four receives after mandatory deductions \$150 earned income on November 5 and \$150 earned income on November 25. The parent is employed part time. The family is eligible to receive EA/UP November 1 through November 19 and State-only AFDC-U November 20 through November 30. The family has dependent care expenses of \$30 for November 1 through November 15, and \$30 for November 16 through November 30.

Earned Income Total	\$300
Less Standard Work Expense Disregard	- 50
Subtotal	\$250
Less Dependent Care Disregard	- 60
Subtotal	\$190
Less \$30 Disregard	- 30
Subtotal	\$160
Less 1/3 Disregard	- 53
Net Nonexempt Income	\$107
Maximum Aid Payment	\$601
Less Net Nonexempt Income	-107
Grant Amount	\$494
Prorated Grant Amounts for claiming purposes	
EA/UP (19 Days)	\$313
State-only AFDC-U (11 Days)	\$181

Question #13

Is the income received in the EA/UP month (first month of aid) budgeted to the third month on aid (AFDC)?

Answer

Yes. Income received in any month in which a family receives EA/UP is budgeted the same as income received by a family on AFDC. Similarly, when a family transfers from AFDC-FG (e.g., a deprivation of incapacity) to EA/UP by an inter-program status change, retrospective budgeting continues. (See EAS Section 44-315.6). This answer replaces the answer previously given in ACIN 108-82.

Question #14

Is the EA/UP month one of the four consecutive months of \$30 and one-third when the recipient received \$30 and one-third in the EA/UP month?

Answer

Yes. All provisions of EAS Section 44-111-23 apply to EA/UP.

Question #15

Does monthly reporting apply to EA/UP?

Answer

Yes. (EAS Section 40-181.22).

Question #16

Do penalties for late reporting apply to EA/UP and State-only AFDC-U recipients?

Answer

Yes. See EAS Sections 40-181.221, 40-181.23, 44-111.232(c) and 44-113.217.

Question #17

Can EA/UP payments which include aid for days in two consecutive months be paid in one warrant?

Answer

Payments which include EA/UP benefits for two different months may be paid in one warrant only when:

- 1) The payment is the initial aid payment, and
- 2) Each month's aid payment is computed separately and claimed to the appropriate programs.

For example, a family was approved for EA/UP effective September 15 and authorizing action was taken on September 27. One warrant may be issued to cover the EA/UP payment for September 15 through October 14 provided it is delivered no later than October 7.

Question #18

Is it permitted for a warrant to include aid payments for both EA/UP and State-only AFDC-U?

Answer

A warrant may include both EA/UP and State-only AFDC payments when the amounts are prorated and claimed to the appropriate programs. The first warrant issued to a case that is eligible for EA/UP from the first through the fifth of the month and State-only AFDC-U from the sixth through the remainder of the month should be for one-half of the month and the claim prorated to the appropriate programs. The mid-month warrant should be for the remainder of the assistance for the month and claimed only to State-only AFDC-U.

Question #19

Are EA/UP underpayments to be corrected?

Answer

Yes. EAS Section 44-340 applies.

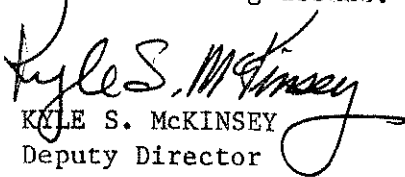
Question #20

Are EA/UP overpayments to be collected?

Answer

Yes. EAS Section 44-350 applies.

If you have any questions or concerns regarding this letter, please contact your AFDC Management Consultant at (916) 445-4458 for program operation issues, or the Fiscal Policy and Procedures Bureau at (916) 445-7046 for fiscal claiming issues.


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